



Planning and Development Committee Minutes

Date: Tuesday, September 7, 2021
Time: 6:00 p.m.
Location: Electronic Participation only

Present: Mayor Bailey, Councillors Wheat, MacAlpine, Laferriere, Howes, Bell, Peirce, Miller, Chambers, Coleman, Gatward

Staff: Bradley, Zuidema, Duesling, Vaughan, DeLeye, Cummins, Namisniak, Wyszynski, Crozier and Davis

1. Attendance

2. Approval of Agenda

In response to a question, Mat Vaughan, Director of Development Planning reported that a deferral was requested by the applicant for 241 Langford Church Road, presentation timelines are unknown, he reviewed the process that would be undertaken with potential amendments, and noted notices would be issued.

Moved by – Councillor Wheat

Seconded by – Councillor Coleman

That the Planning and Development Committee agenda for September 7, 2021 be approved as amended, deferring item 9.4, (RPT-21-218 – ZBA21-21-DN, 241 Langford Church Road).

Carried

3. Declaration of Pecuniary Interests

None

4. Delegations / Petitions / Presentations

None

5. Adoption of Minutes from Previous Meetings

5.1 Planning and Development Committee Minutes of July 6, 2021

Moved by Councillor Peirce

Seconded by Councillor Bell

That the Planning and Development Committee minutes of July 6, 2021, be approved.

Carried

6. Business Arising from the Minutes

None

7. Public Hearings Under Section 11 of the County of Brant Telecommunication Tower Protocol

7.1 CT 1-21-KD - 64 Brant Road

Kayla DeLeye, Senior Planner made a presentation outlining the application, which is presented for public comment before being referred to staff for review.

In response to questions, K. DeLeye reported that the property has frontage on Brant Road, she reviewed the approval authority for federally regulated tower applications, the process to be undertaken, and the role of the County. She reported that the agent for the proposal is hosting a virtual public hearing on October 6, 2021, a memo will be circulated to Council.

Cyrus Ghassabeh, Forbes Bros., Agent

Present, available to answer questions.

Members of the Public

None.

Committee Consideration

Moved by Councillor Bell

Seconded by Councillor Wheat

That application CT 1-21-KD regarding a telecommunications tower proposed for 64 Brant Road be received as information and any comments / submissions regarding this application be referred to staff for review.

Carried

7.2 CT 2-21-KD - 21 Oxbow Road

Kayla DeLeye, Senior Planner made a presentation outlining the application, which is presented for public comment before being referred to staff for review. In response to questions, K. DeLeye reviewed the comment from the Environmental Planner that the tower should be distanced three times its height from any natural heritage feature.

Cyrus Ghassabeh, Forbes Bros., Agent

C. Ghassabeh reported that notices were sent out to adjoining properties and a virtual meeting was held at which a number of concerns were raised and an alternate location was proposed. He indicated that the best location for the tower is at the edge of agricultural lands near the tree line and will review the final location in light of comments received. He noted the small footprint of the structure, and reported traffic to the site would be yearly or semi-yearly. In response to questions, C. Ghassabeh reported that the closest tower is 6 km away, the proposed location will provide additional coverage to the area, increase capacity, and allow for future capacity and reliability.

It was requested that County staff be invited to meetings with the public.

Members of the Public

Rob Knechtel, 17 Oxbow Lane

R. Knechtel spoke in opposition to the proposed location, noting the unique Oxbow land mass, habitat, and community, and the desire and pride of area residents to preserve and protect it. He noted residents acknowledge the need for better internet, and the impact to local area/residents, and have proposed an alternate site, owned by the same landowner, with a higher elevation and no residents in front. Resident signatures have been collected that petition the applicant to consider the alternate location.

Cyrus Ghassabeh, Forbes Bros., Agent

In response to questions, C. Ghassabeh reported that a tower setback of 145 meters from the road is proposed at the revised location of 21 Oxbow, and at considerable costs, to mitigate concerns expressed by residents and to work in cooperation with the property owner. He reported that network / radio / engineering / constructability is comparable at both locations.

Committee Consideration

Moved by Councillor Coleman
Seconded by Councillor Wheat

That application CT 2-21-KD regarding a telecommunications tower proposed for 21 Oxbow Road be received as information and any comments / submissions regarding this application be referred to staff for review.

Carried

8. Public Hearings Under the Planning Act to Receive Information from the Public

8.1 ZBA 28-21-AW - Andrzej & Malgorzata Paluch - 602 Mount Pleasant Rd

Amanda Wyszynski made a presentation outlining the application, which is presented for public comment before staff's detailed analysis.

George JP Ziotek, Agent

G. Ziotek reported that comments from a neighbouring property owner will be reviewed and responded to.

Members of the Public

None.

Committee Consideration

Moved by Councillor Peirce
Seconded by Mayor Bailey

That application ZBA 28-21-AW from Andrzej and Malgorzata Paluch, to rezone the subject lands at 602 Mount Pleasant Road be received as information and any comments / submissions regarding this application be referred to staff for review.

Carried

8.2 ZBA24-17-RC - Vu Hoang Le - 517 Paris Road

Ryan Cummins, Planner, made a presentation outlining the application, which is presented for public comment before staff's detailed analysis. In response to questions, R. Cummins reported that the property was designated Highway Commercial in the 2003 Official Plan, and re-designated as General Commercial in the 2012 Official Plan. He noted that in an Official Plan review, public notices are advertised but specific notice is not sent to every neighbour of an affected property.

In discussion concerns were expressed about demand for this use, compatibility with neighbouring uses, and traffic. Staff was directed to request a peer review of the traffic study for 517 Paris Road and that the analysis take into account the updated County of Brant and City of Brantford Transportation Master Plans. In response to questions, R. Cummins reported that the developer will be required to connect to municipal services.

Terrance Glover, Urban in Mind, Agent

T. Glover made a presentation outlining the future growth and redevelopment in the area, relationship to the Official Plan, and site plan usage. He noted that the site plan presents a septic system option as municipal servicing is currently unavailable, and noted the layout of buffering from the adjacent property. He reported that the application was brought forward in 2017 and issues received from the public at that time remain unchanged. He suggested that residents should be fully aware of the future development for the area as approved by the Official Plan (OP). He reported that the applicant has fulfilled the County's requirements and completed numerous studies in support of the development and to mitigate concerns, including a traffic study and addendum. Mr. Glover expressed concern about potentially requiring a peer review of the traffic study.

In response to questions of Committee, T. Glover reported that studies show the viability of the site and that traffic lights are not required as per the two traffic studies completed with the latest being in 2020. He noted government policies are in place to mitigate contamination. In response to a question with regards efforts of the applicant to mitigate concerns expressed by residents in 2017 regarding truck fueling, T. Glover reported that the transport refueling will be removed in the site plan process, as agreed with the owner. He expressed the desire to work with staff to review further mitigation efforts to lessen the impact of the development on the community, and invited residents to contact him to work towards a solution.

Members of the Public

Cheryl Waldick, 644 Oak Park Rd

C. Waldick noted her opposition to the application, noting concerns about the impact on their daily lives. She questions the reasoning and necessity for the proposed usage, and noted the close proximity and number of similar businesses. She questioned the land use compatibility, noted the Provincial policy and neighbouring facilities, and suggested an alternate location for the proposed use be sought.

Ms. Waldick further noted that concerns were raised at the 2017 public meeting for the application regarding impact on area wells. Health and environmental impact concerns were expressed, soil and ground water contamination, toxic fumes, potential ignition source, and property usage following the lifespan of the gas station.

She expressed concerns for her neighbours' privacy due to the setback on the site plan, proposed fencing height, and pumping station use. She further expressed traffic safety concerns with regards to volume, speed, congestion, and the need for traffic signals. She questioned the accuracy of a traffic study conducted during a pandemic, and noted Canada Post deems delivery unsafe. She noted discrepancies in site plans distributed, questioned the maximum gross floor area permitted for a convenient store, number of employees, and the need of four extra parking spaces.

Leena Wheeler, 648 Oak Park Road

L. Wheeler lives beside the subject property to the south and noted her opposition to the application. She expressed concerns with regards to health and safety in relation to the fumes / odors and contamination to water. She is concerned for her privacy due to the close proximity of her bedroom window to the fence line and the height of trucks. She questioned the validity of the traffic study due to its timing, taken in a pandemic. She opposed the suggestion that she should have moved to mitigate her concerns.

Sonny Waldick, 644 Oak Park Rd

S. Waldick noted his opposition to the application and outlined concerns with regards to health and environmental issues such as spills, venting, and water. He highlighted the future of electric vehicles, and expressed concern of derelict gas stations. He acknowledges the future of commercial growth, but is opposed to a gas station.

Terrance Glover, Urban In Mind

In response to concerns, T. Glover reported that the site would employ 22-25 people. He reported that the distance of the gas station from residents is compliant with government regulations, tank venting would be as far from residents as possible, and Council support would be sought for the extra square footage for the convenience store and four parking spaces. He reported that the diesel filling will be eliminated, and a privacy fencing / sound barrier will be installed. He further clarified that the traffic study utilized data from a higher density area in Brantford to give accurate projected numbers.

Committee Consideration

Discussion was held with regards to the willingness to explore mitigation, the elimination of the diesel fueling, timeframe since initial proposal, the feasibility vs the location of a gas bar, scientific data on health issues, and the need for updated traffic review.

Moved by Mayor Bailey
Seconded by Councillor Wheat

That application ZBA24-17-RC from Vu Hoang Le, to rezone the subject lands at 517 Paris Road be received as information and any comments / submissions regarding this application be referred to staff for review.

Carried

9. Public Hearings Under the Planning Act to Consider Staff Recommendations

9.1 RPT-21-208 - ZBA4/21/AW - 539 Paris Road - A. Wyszynski

Amanda Wyszynski, Planner, outlined the application. In response to questions she noted that an M3-Heavy Industrial Zone would allow the proposed use and be consistent with the area. Setback and entrance matters will be addressed through site plan. Committee expressed concerns with regards to the increased risk of future use, location of exit / entrance, and traffic.

David Roe, Agent

D. Roe, Agent, outlined that M3 zoning is sought for the application to be consistent with the majority of the property and area, although it is not required for the proposed usage. He noted that the proposed usage has far less negative impacts to adjacent residential properties than other uses permitted in the zone. He reported that any outside storage would be contained behind the building, noise / lighting would be addressed through the site plan approval, and noted the reliance on County staff and traffic consultants to locate best access points to mitigate concerns. In response to questions, he noted that he understands that the facility will have scheduled hours of operation and an insignificant amount of traffic on a daily basis.

Members of the Public

Steve & Michelle Kopp, 548 Paris Road

S. Kopp lives across from the subject lands and noted his opposition towards the M3 zoning as it is not required for the usage. He expressed concern towards increased traffic issues, questioned if the traffic study encapsulated all developments, and suggested exit / entrance locations be off Oak Park Road. He asked for clarification to a comment that there would be no impact to neighbouring property. He expressed concern for the future blend of residential, industrial, and agricultural, and seeks the protection of residential areas.

Cheryl Waldick, 644 Oak Park Rd

C. Waldick lives across the road from the subject property, and noted her opposition towards the application. She expressed concerns with regards to traffic increase, entrance / exit locations, school bus safety, noise, and lights. She further noted increased traffic concerns noting that Oak Park Road serves as an emergency detour route, she noted that Canada Post has suspended mail delivery on Paris Road due to unsafe conditions, and she questioned if the traffic study was completed during the pandemic lockdown.

Lena Wheeler, 648 Oak Park Rd

L. Wheeler expressed her concerns with regards to the exit / entrance for trucks, increased noise / vibration / odor, hours of operation, and light infiltration from headlights and the facility. She noted information on the plan is vague, expressed the desire to access noise and light studies and to be advised of the entrance / exit location to assess the affect to residents.

David Roe, Agent

In response to questions, D. Roe noted that M3 zoning was consistent with the remaining property and the area, in discussions with staff, and noted the focus was on proposed uses as opposed to zoning and agreed to further review this with his client and staff. It was noted that there is an opportunity to relocate the entrance to Oak Park Road, the site plan control process will determine the safest location / mitigate impacts, and that the traffic study was a comprehensive review.

Amanda Wyszynski, Planner

A. Wyszynski clarified that “no impact to neighbours” means that no / minimal negative impact to surrounding properties as controlled through site plan. She further noted that the traffic study for this application was dated June 2021, and that light studies would be part of the site plan control.

Committee Consideration

Discussion was held with regards to a review of and shifting the designation from M3 to M2, willingness of applicant to engage in discussions, exit / entrance locations, and engaging in discussions with the City of Brantford with regards to speed and the Transportation Master Plan. Committee requested that the site plan approval be Bumped Up for Council’s consideration. In response to questions, M. Vaughan noted that a cycle or two may be required to review and meet requirements.

Moved by Councillor Wheat
Seconded by Councillor Bell

That Application ZBA4/21/AW from David Roe on behalf of 2707130 Ontario Inc., owner of Concession 1, Part Lot 18, RP 2R-3461, Part 1, County of Brant, located at 539 Paris Road, geographic Township of Brantford to rezone a portion from Agriculture (A) to Heavy Industrial (M3) with site specific provision 27 (M3-27) to permit a service shop as a permitted use, to rezone a portion from Agriculture (A) and Heavy Industrial (M3) to Heavy Industrial with site specific provision 28 (M3-28) to permit a studio workshop as a permitted use and to rezone a portion from Heavy Industrial (M3) to Heavy Industrial with site specific provision 29 (M3-29) to permit a reduced street setback be approved, subject to the following site specific provisions:

1. Heavy Industrial with site specific provision 27 (M3-27) “Lot #1”
 - To permit a multi-unit industrial plaza with a *service supply shop* as a permitted use.
 - A service supply shop shall be defined as “*a lot, building or structure, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a battery storage and recharging shop, a well driller's establishment, a tailor, an upholsterer's shop, an egg grading station, a machine shop or a monument engraving shop but does not include a butcher shop or a bakery.*”
2. Heavy Industrial with site specific provision 28 (M3-28) “Lot #2”
 - To permit a studio workshop as an additional permitted use.

- A studio workshop shall be defined as “*shall mean a building or part of a building used to provide training workshops for arts and crafts, and may include accessory retail space for the sale of art and craft supplies and may include overnight accommodation for a maximum of 5 bedrooms or suites for persons engaged in the training workshops.*”
3. Heavy Industrial with site specific provision 29 (M3-29) “Lot #3”
- To permit a reduced street setback of 30 metres (98.4 feet) to a cold storage warehouse;

And that the reason(s) for approval are as follows:

- The application is consistent with the *Provincial Policy Statement* (2020).
- The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020).
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012); and,
- The application maintains the intent of the County of Brant Zoning By-Law 61-16.

No Vote. Motion to Amend Follows

Moved by- Councillor Chambers

Seconded by - Mayor Bailey

That Application ZBA4/21/AW from David Roe on behalf of 2707130 Ontario Inc., owner of Concession 1, Part Lot 18, RP 2R-3461, Part 1, County of Brant, located at 539 Paris Road, geographic Township of Brantford to rezone a portion from Agriculture (A) to Heavy Industrial (M3) with site specific provision 27 (M3-27) to permit a service shop as a permitted use, to rezone a portion from Agriculture (A) and Heavy Industrial (M3) to Heavy Industrial with site specific provision 28 (M3-28) to permit a studio workshop as a permitted use and to rezone a portion from Heavy Industrial (M3) to Heavy Industrial with site specific provision 29 (M3-29) to permit a reduced street setback be deferred to allow staff and the applicant to investigate the merits of M2 vs M3 zoning.

Carried.

9.2 RPT-21-215 - ZBA 24/21/SL - 214 Brant Church Road - S. Labelle

Shannon Labelle, Planning Technician, outlined the application. Staff was requested to verify the geographic location.

Maria Kinkel, Agent

Available for questions.

Members of the Public

None.

Committee Consideration

Moved by Councillor Peirce
Seconded by Councillor Wheat

That Application ZBA24/21/SL from MHN Lawyers LLP, applicant, on behalf of Kathryn and Michael Strik, owners of lands legally known as Range 4, East of Mount Pleasant Road, Lot 2, County of Brant, located at 214 Brant Church Road, geographic Township of Brantford, proposing to rezone the subject lands from Agriculture (A) and Natural Heritage (NH) to Agriculture with Site Specific Provision 177 (A-177) and Natural Heritage (NH) to prohibit a dwelling and to recognize an undersized farm parcel of approximately 29.4 hectares (72.7 acres) in order to facilitate a surplus farm dwelling severance, be approved, subject to the following site specific provisions:

1. To prohibit a dwelling as a condition of approval of a surplus farm dwelling severance.
2. To permit an undersized farm parcel with an area of approximately 29.4 hectares (72.7 acres), whereas a minimum of 40 hectares (98.8 acres) is required;

And that the reasons for approval are as follows:

- The application is consistent with the *Provincial Policy Statement* (2020);
- The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020);
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012); and,
- The application maintains the intent of the County of Brant Zoning By-Law 61-16.

Carried

9.3 RPT-21-216 - ZBA26/21/KD - 249 Garden Ave - K. DeLeye

Kayla DeLeye, Senior Planner, outlined the application. In response to a question, she reported that a one year timeframe was sufficient for the applicant / agent.

Agent

Not present.

Members of the Public

None

Committee Consideration

Moved by Councillor Gatward
Seconded by Councillor MacAlpine

That Application ZBA26/21/KD from LIV Communities, applicant and Pal and Paramjit Singh, owners of Concession 3, Part Lots 43 to 45, Johnson Grant, Part of RP 2R-5685, Part 1, County of Brant, located at 249 Garden Ave, geographic Township of Brantford, proposing the extension of a Temporary Use Zoning By-Law

to allow for the continued use of a sales trailer for the period of one (1) year, be approved.

Carried

9.4 RPT-21-218 - ZBA21-21-DN - 241 Langford Church Road - D. Namisniak

Deferred

15. Next Meeting and Adjournment

The Committee adjourned at 9:37 p.m. to meet again Tuesday, October 5, 2021.

Secretary